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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,548	08/01/2000	ANTONIUS ADRIANUS ARNOLDUS SMITS	702-001034	8364

7590 11/06/2002

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EXAMINER

ROSSI, JESSICA

ART UNIT PAPER NUMBER

1733

DATE MAILED: 11/06/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555,548

Applicant(s)

SMITS, ANTONIUS ADRIANUS
ARNOLDUS

Examiner

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/30/02, Amendment C, paper no. 12.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

Disposition of Claims

- 4) ☒ Claim(s) 19-21,23-29,31-33 and 37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-21,23-29,31-33 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. The request filed on 9/23/02 for a RCE under 37 CFR 1.114 based on parent Application No. 09/555,548 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. This action is in response to the Amendment dated 9/30/02. Claims 19-21, 23-29, and 31-33, and 37 are pending.
3. The rejection of claims 19-21, 23, 25-26, 28-29, and 31-33 under 35 U.S.C. 103(a) as being unpatentable over Keeler et al. (of record) in view of Voltmer et al. (of record) as set forth in the previous office action, paper no. 9, has been withdrawn due to the discovery of other prior art upon further searching.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 19-21, 23-29, 31-33, and 37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 now states that the carrier is movable in a radial direction “for both removing an object from the holder at standstill and affixing the object to a moving product during rotary motion.” The present specification has support for the carrier being movable in a radial direction

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for removing the object from the holder at standstill (page 3, lines 16-22), but it does not have support for the carrier being movable in a radial direction for affixing the object to a moving product.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 19-21, 23, 25-26, 28-29 and 31-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Voltmer et al. (of record) in view of Keeler et al. (of record) as set forth in paragraph 9 of the previous office action.

With respect to claim 19, Voltmer et al., directed to a device 100 for affixing band segments 18 and literature 19 to containers 20 moving in a row on conveyor 104, teaches transfer roll 22 (holder) and hopper 32 (holder) for holding the band segments and literature, respectively, and carousel 133 (affixing means) having heads 21 (carriers) for holding the band segments and literature after their removal from the transfer roll and hopper, respectively (Figure 1; column 2, lines 12-20 and 62-66; column 3, lines 1-65). The heads 21 comprise heater blocks 23, 23' having suction holes 24, 24' for holding the band segment 18 against head 21 (column 3, lines 11-14). The carousel is capable of rotary movement about an axis of rotation and affixing the band segments and literature to the container during this rotary movement (column 4, lines 12-55) by moving the heater blocks in a radial direction with respect to the axis of rotation (Figure 1; column 4, lines 26-47). The heater blocks move radially outward (see 6 o'clock position to 2 o'clock position in Figure 1) to remove the band segment and literature from the

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holders, and they move radially inward (see 2 o'clock position to 6 o'clock position in Figure 1) to transfer the band segment and literature to the container during rotary motion.

The reference is silent as to the heads removing the band segment and literature from the transfer roll and hopper, respectively, the carousel being driven intermittently between rotation and standstill, and the heads removing a band segment or piece of literature from the transfer roll or hopper, respectively, while the carousel is at a standstill.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to actuate the suction holes of the heater blocks during removal of the band segments

and literature from the transfer roll and hopper, respectively, to aid in removing the band segments and literature because this would expedite the removal process and ensure that the band segments and literature were properly aligned with the head.

It is known to affix objects 20 to products B using an affixing apparatus 56 capable of rotary movement wherein the apparatus is driven intermittently between rotation and standstill so that carriers 60 located on the apparatus can remove objects from a holder 32 during standstill, as taught by Keeler et al. (Figure 2; column 1, lines 10-16; column 3, lines 45-62; column 4, lines 25-40). The affixing apparatus is capable of rotary movement about an axis of rotation and affixing the object to the moving product during this rotary movement, wherein the affixing apparatus is driven intermittently between rotation and standstill (column 4, lines 41-60; column 5, lines 21-23 and 31-35; column 6, lines 32-37). The transfer station removes an object from the holder during standstill (column 5, lines 41-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the carousel of Voltmer et al. intermittently between rotation and standstill so

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that the heads can remove band segments and literature from the transfer roll and hopper, respectively, during standstill because such is known in the art, as taught by Keeler et al., and this would allow objects having an awkward shape, such as the literature, to be successfully removed from the hopper thereby increasing the output of properly assembled products during a fixed time period.

Regarding claim 20, selection of an arrangement for the heads on the carousel would have been within purview of one of ordinary skill in the art at the time the invention was made. However, it is known in the art to include one or more carriers wherein the carriers are

positioned a uniform distance apart in a circle around the axis of rotation such that one of the carriers is near the holder during standstill while the place of affixing the object to the product is centrally located between two other carriers, as taught by Keeler et al. (Figure 2; column 4, lines 26-29; column 5, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the heads of Voltmer et al. in the manner taught by Keeler et al. because only the expected results would have been achieved.

Regarding claim 21, Voltmer et al. teaches the heads being provided with suction cups or nozzles 28 for engaging the literature (column 3, lines 28-30). Selection of a particular diameter for the suction cups would have been within purview of one of ordinary skill in the art at the time the invention was made.

Regarding claim 23, Voltmer et al. teaches one of the carriers being located at the holder while another carrier has removed an object from the holder but not yet affixed it to the product (Figure 1).

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Regarding claim 25, Voltmer et al. is silent as to an electric motor whose rotational speed is controlled on the basis of signals from a pulse generator wherein the signals are a measure of speed of movement of the containers. Selection of a particular mechanism for rotating the carousel would have been within purview of one of ordinary skill in the art at the time the invention was made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the speed of the carousel by detecting the speed of the containers in order to align the heads with the containers for accurate placement of the literature onto the containers. Selection of the mechanism for detecting the speed would have been within purview of one of ordinary skill in the art at the time the invention was made.

Regarding claim 26, Keeler et al. teaches control means for temporarily stopping the affixing apparatus (column 4, lines 51-60).

Regarding claim 28, Voltmer teaches separate shafts driving the transfer drum and transfer stations (column 3, lines 27-40). Arrangement of these shafts and their operating patterns with respect to each other would have been within purview of one of ordinary skill in the art at the time the invention was made depending on the desired operating functions of the apparatus.

Regarding claims 29-30, Keeler et al. is silent as to the ingoing shaft of the index mechanism further driving a driving mechanism for driving the transfer stations during standstill of the transfer drum. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the index mechanism also drive the shaft for driving the transfer station during standstill of the transfer drum to allow for controlled velocity, acceleration, and deceleration of the transferring station (Keeler; column 5, lines 1-7).

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Regarding claims 31-33, a particular configuration for the ingoing shaft would have been within normal design practice of the skilled artisan; it being noted that such features are suggested by Voltmer et al. (Figure 2; columns 3-4).

8. Claims 24 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Voltmer et al. and Keeler et al. as applied to claim 19 above, and further in view of Utsumi (of record) as set forth in the previous office action.

Regarding claim 24, Voltmer is silent as to applying glue to the band segment engaged by the transfer station. Means for attaching the band segments to the containers would have been within purview of one in the art depending on the materials used. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply glue via a glue dispenser because it is known to affix an object to a product using an affixing apparatus wherein the object is affixed to the product using glue, as taught by Utsumi (abstract; page 10, lines 17-20).

Regarding claim 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the glue during standstill of the transfer drum of Voltmer because this would ensure accurate and uniform application of the glue.

9. Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Voltmer et al. '459 and Keeler et al. as applied to claim 19 above, and further in view of Voltmer et al. '608 (of record) as set forth in the previous office action.

Regarding claim 27, Voltmer '459 is silent as to control means provided with detection means for detecting a moving product approaching the transfer drum. It is known to affix objects to products using an affixing apparatus wherein control means is provided for sensing an

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approaching product, as taught by Voltmer '608 (page 2, lines 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use control means associated with the device of Voltmer '459 for detecting a moving container approaching the transfer drum to initiate rotation of the drum so that a transfer station engaging a band segment moves into proper alignment with a container.

10. Claims 19-21, 23, 25-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsovic (US 4767487) in view of Keeler et al.

With respect to claim 19, Tomsovic, directed to a device 10 for affixing objects 12 to moving products 22, teaches holder 20 for holding the objects and affixing means 30 comprising transfer shoes 34' (carriers) for removing the objects from the holder and transferring them to the products (Figure 2; column 5, lines 30-34 and 49-53; column 7, lines 7-9). The affixing means is capable of rotary movement and affixing the objects to the products during this rotary movement (Figure 2). The transfer shoes are movable in a radial direction for both removing an object from the holder and affixing the object to a moving product during rotary motion (Figure 2; column 6, lines 12-41; column 7, lines 50-53); note the transfer shoes move radially inward to remove an object and radially outward to transfer the object (Figure 2). The reference is silent as to the affixing means being driven intermittently between rotation and standstill and the transfer shoes removing an object from the holder during standstill.

Tomsovic teaches continuous rotation of the holder and affixing means is preferable, but makes it clear that the holder and affixing means are capable of intermittent rotation (column 10, lines 25-30). It is known to affix objects 20 to products B using an affixing apparatus 56 capable of rotary movement wherein the apparatus is driven intermittently between rotation and standstill

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so that carriers 60 located on the apparatus can remove objects from a holder 32 during standstill, as taught by Keeler et al. (Figure 2; column 1, lines 10-16; column 3, lines 45-62; column 4, lines 25-40). The affixing apparatus is capable of rotary movement about an axis of rotation and affixing the object to the moving product during this rotary movement, wherein the affixing apparatus is driven intermittently between rotation and standstill (column 4, lines 41-60; column 5, lines 21-23 and 31-35; column 6, lines 32-37). The transfer station removes an object from the holder during standstill (column 5, lines 41-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the affixing means of Tomsovic intermittently between rotation and standstill so that the transfer shoes can remove objects from the holder during standstill because such is known in the art, as taught by Keeler et al., and this would allow objects to be accurately removed from the holder thereby increasing the output of properly assembled products during a fixed time period; especially in light of the fact that Tomsovic teaches the holder and affixing means being capable of intermittent rotation.

Regarding claim 20, selection of an arrangement for the transfer shoes on the affixing means would have been within purview of one of ordinary skill in the art at the time the invention was made. However, it is known in the art to include one or more carriers wherein the carriers are positioned a uniform distance apart in a circle around the axis of rotation such that one of the carriers is near the holder during standstill while the place of affixing the object to the product is centrally located between two other carriers, as taught by Keeler et al. (Figure 2; column 4, lines 26-29; column 5, lines 10-17).

Regarding claim 21, Tomsovic teaches the transfer shoes having suction nozzles for engaging the objects (Figure 3; column 9, lines 3-10). Selection of a diameter for the nozzles would have been within purview of the skilled artisan depending on the size of the objects.

Regarding claim 23, Tomsovic teaches one of the transfer shoes being located at the holder while another transfer shoe has removed an object from the holder but not yet affixed it to the product (Figure 2).

Regarding claim 25, Tomsovic is silent as to an electric motor whose rotational speed is controlled on the basis of signals from a pulse generator wherein the signals are a measure of speed of movement of the products. Selection of a particular mechanism for rotating the affixing means would have been within purview of one of ordinary skill in the art at the time the invention was made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the speed of the affixing means by detecting the speed of the products in order to align the transfer shoes with the products for accurate placement of the objects onto the products. Selection of the mechanism for detecting the speed would have been within purview of one of ordinary skill in the art at the time the invention was made.

Regarding claim 26, Keeler et al. teaches control means for temporarily stopping the affixing apparatus (column 4, lines 51-60).

Regarding claim 28, Tomsovic teaches separate shafts driving the affixing means and transfer shoes (Figure 2; column 5, lines 65-68). Arrangement of these shafts and their operating patterns with respect to each other would have been within purview of one of ordinary skill in the art at the time the invention was made depending on the desired operating functions of the apparatus.

Regarding claims 29-30, Keeler et al. is silent as to the ingoing shaft of the index mechanism further driving a driving mechanism for driving the transfer stations during standstill of the transfer drum. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the index mechanism also drive the shaft for driving the transfer shoes during standstill of the affixing means to allow for controlled velocity, acceleration, and deceleration of the transferring station (Keeler; column 5, lines 1-7).

11. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsovic and Keeler et al. as applied to claim 19 above, and further in view of Voltmer et al. '459.

Regarding claims 31-33, a particular configuration for the ingoing shaft would have been within normal design practice of the skilled artisan; it being noted that such features are suggested by Voltmer et al. (Figure 2; columns 3-4).

12. Claims 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsovic and Keeler et al. as applied to claim 19 above, and further in view of Utsumi.

Regarding claim 24, Tomsovic teaches applying adhesive to the objects (column 8, lines 34-35) but is silent as to applying the adhesive while the object is engaged by the transfer shoe. Means for attaching the objects to the containers would have been within purview of one in the art depending on the materials used. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply glue via a glue dispenser because it is known to affix an object to a product using an affixing apparatus wherein the object is affixed to the product using glue, as taught by Utsumi (abstract; page 10, lines 17-20).

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Regarding claim 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the glue during standstill of the affixing means of Tomsovic because this would ensure accurate and uniform application of the glue.

13. Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsovic and Keeler et al. as applied to claim 19 above, and further in view of Voltmer et al. '608.

Regarding claim 27, Tomsovic is silent as to control means provided with detection means for detecting a moving product approaching the affixing means. It is known to affix objects to products using an affixing apparatus wherein control means is provided for sensing an approaching product, as taught by Voltmer '608 (page 2, lines 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use control means associated with the device of Tomsovic for detecting a moving product approaching the affixing apparatus to initiate rotation of the affixing means so that a transfer shoe engaging an object moves into proper alignment with a product.

14. Claims 19-21, 23, 25-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin (US 4238267) in view of Keeler et al.

With respect to claim 19, Konstantin, directed to a device for affixing objects 33 to moving products 37, teaches holder B for holding the objects and affixing means E comprising carriers 34 for removing the objects from the holder and transferring them to the products (Figure 2). The affixing means is capable of rotary movement and affixing the objects to the products during this rotary movement (Figure 2; column 4, line 51 – column 5, line 13). The carriers are movable in a radial direction for both removing an object from the holder and affixing the object to a moving product during rotary motion (Figure 2; column 4, line 51 –

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column 5, line 17); note the carriers move radially outward to remove an object and radially outward to transfer the object (Figure 2; column 4, lines 64-67; column 5, lines 2-9). The reference is silent as to the affixing means being driven intermittently between rotation and standstill and the carriers removing an object from the holder during standstill.

It is known to affix objects 20 to products B using an affixing apparatus 56 capable of rotary movement wherein the apparatus is driven intermittently between rotation and standstill so that carriers 60 located on the apparatus can remove objects from a holder 32 during standstill, as taught by Keeler et al. (Figure 2; column 1, lines 10-16; column 3, lines 45-62; column 4, lines 25-40). The affixing apparatus is capable of rotary movement about an axis of rotation and affixing the object to the moving product during this rotary movement, wherein the affixing apparatus is driven intermittently between rotation and standstill (column 4, lines 41-60; column 5, lines 21-23 and 31-35; column 6, lines 32-37). The transfer station removes an object from the holder during standstill (column 5, lines 41-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the affixing means of Konstantin intermittently between rotation and standstill so that the carriers can remove objects from the holder during standstill because such is known in the art, as taught by Keeler et al., and this would allow objects to be accurately removed from the holder thereby increasing the output of properly assembled products during a fixed time period.

Regarding claim 20, selection of an arrangement for the carriers on the affixing means would have been within purview of one of ordinary skill in the art at the time the invention was made. However, it is known in the art to include one or more carriers wherein the carriers are positioned a uniform distance apart in a circle around the axis of rotation such that one of the

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carriers is near the holder during standstill while the place of affixing the object to the product is centrally located between two other carriers, as taught by Keeler et al. (Figure 2; column 4, lines 26-29; column 5, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the carriers of Konstantin in the manner taught by Keeler et al. because only the expected results would have been achieved.

Regarding claim 21, Konstantin teaches the carriers being provided with suction cups or nozzles 35 for engaging the objects (column 4, lines 64-68). Selection of a particular diameter for the suction cups would have been within purview of one of ordinary skill in the art at the time the invention was made.

Regarding claim 23, Konstantin teaches one of the carriers being located at the holder while another carrier has removed an object from the holder but not yet affixed it to the product (Figure 2).

Regarding claim 25, Konstantin is silent as to an electric motor whose rotational speed is controlled on the basis of signals from a pulse generator wherein the signals are a measure of speed of movement of the containers. Selection of a particular mechanism for rotating the affixing apparatus would have been within purview of one of ordinary skill in the art at the time the invention was made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the speed of the carousel by detecting the speed of the containers in order to align the heads with the containers for accurate placement of the literature onto the containers. Selection of the mechanism for detecting the speed would have been within purview of one of ordinary skill in the art at the time the invention was made.

Regarding claim 26, Keeler et al. teaches control means for temporarily stopping the affixing apparatus (column 4, lines 51-60).

Regarding claim 28, Konstantin teaches separate shafts driving the affixing means and carriers (Figure 2). Arrangement of these shafts and their operating patterns with respect to each other would have been within purview of one of ordinary skill in the art at the time the invention was made depending on the desired operating functions of the apparatus.

Regarding claims 29-30, Keeler et al. is silent as to the ingoing shaft of the index mechanism further driving a driving mechanism for driving the transfer stations during standstill of the transfer drum. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the index mechanism also drive the shaft for driving the carriers during standstill of the affixing means to allow for controlled velocity, acceleration, and deceleration of the affixing means (Keeler; column 5, lines 1-7).

15. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin and Keeler et al. as applied to claim 19 above, and further in view of Voltmer '459.

Regarding claims 31-33, a particular configuration for the ingoing shaft would have been within normal design practice of the skilled artisan; it being noted that such features are suggested by Voltmer et al. (Figure 2; columns 3-4).

16. Claims 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin and Keeler et al. as applied to claim 19 above, and further in view of Utsumi.

Regarding claim 24, Konstantin teaches applying adhesive to the objects (column 2, lines 60-61) but is silent as to applying the adhesive while the object is engaged by the carrier. Means for attaching the objects to the products would have been within purview of one in the art

depending on the materials used. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply glue via a glue dispenser because it is known to affix an object to a product using an affixing apparatus wherein the object is affixed to the product using glue, as taught by Utsumi (abstract; page 10, lines 17-20).

Regarding claim 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the glue during standstill of the affixing means of Konstantin because this would ensure accurate and uniform application of the glue.

17. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin and Keeler et al. as applied to claim 19 above, and further in view of Voltmer '608.

Regarding claim 27, Konstantin is silent as to control means provided with detection means for detecting a moving product approaching the affixing means. It is known to affix objects to products using an affixing apparatus wherein control means is provided for sensing an approaching product, as taught by Voltmer '608 (page 2, lines 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use control means associated with the device of Konstantin for detecting a moving product approaching the affixing apparatus to initiate rotation of the affixing means so that a carrier engaging an object moves into proper alignment with a product.

Response to Arguments

18. Applicant's arguments filed 9/30/02 have been fully considered but they are not persuasive.

19. On pages 2-3 of the arguments, Applicants continuously argue that Voltmer '459 does not teach or suggest the carriers being able to accommodate objects of various thicknesses.

The examiner respectfully points out that this is not commensurate with the scope of the claimed invention.

20. On page 2 of the arguments, Applicants argue that Voltmer '459 does not teach or suggest the carriers being movable in a radial direction for both removing an object from the holder and affixing the object to a moving product during rotary motion.

The examiner directs Applicants to paragraph 7 of the present office action where it is pointed out that the heater blocks of the carriers move radially outward (see 6 o'clock position to 2 o'clock position in Figure 1) to remove the band segment and literature from the holders, and ~~they move radially inward (see 2 o'clock position to 6 o'clock position in Figure 1) to transfer~~ the band segment and literature to the container during rotary motion. However, the examiner respectfully points out that the present application does not have support for the carriers being movable in a radial direction for affixing the object to a product, as set forth in the new matter rejection in paragraph 5 of the present office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **703-305-5419**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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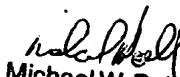
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jessica L. Rossi
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November 1, 2002



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